

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

CENTRAL ILLINOIS LIGHT COMPANY)	
D/B/A Ameren/CILCO)	
)	No. 05-0160
Proposal to implement a competitive procurement)	
Process by establishing Rider BGS, Rider BGS-L,)	
Rider RTP, Rider RTP-L, Rider D, and Rider MV)	
)	
CENTRAL ILLIONOIS PUBLIC SERVICE COMPANY)	
d/b/a AmerenCIPS)	
)	No. 05-0161
Proposal to implement a competitive procurement)	
Process by establishing Rider BGS, Rider BGS-L,)	
Rider RTP, Rider RTP-L, Rider D, and Rider MV)	
)	
ILLINOIS POWER COMPANY)	
d/b/a AmerenIP)	
)	No. 05-0162
Proposal to implement a competitive procurement)	
Process by establishing Rider BGS, Rider BGS-L,)	
Rider RTP, Rider RTP-L, Rider D, and Rider MV)	

**APPLICATION FOR REHEARING OF THE
ENVIRONMENTAL LAW AND POLICY CENTER**

The Environmental Law and Policy Center (“ELPC”), pursuant to 220 ILCS 5/10-113(a), 83 Ill. Adm. Code § 200.880 and/or other applicable law, submits this Application for Rehearing (the “Application”) as to the Illinois Commerce Commission’s (“Commission”) final order of January 24, 2006 (“Order”) in the three above-captioned proceedings and requests that the Commission reject the proposed tariffs on rehearing for the reasons set forth below.

The Commission Lacks the Legal Authority to Approve the Tariffs

ELPC objects to the Order because the Commission does not have jurisdiction over the proposed tariffs and therefore lacks the authority to approve the tariffs. The 1997

amendments to the Public Utilities Act, 220 ILCS 5/1-101 *et seq.* (“PUA”) authorized the Commission to use “market based prices” to set utility rates only for services that consumers have the option of purchasing from their utility’s unregulated competitors *and* that have been “declared competitive” pursuant to Section 16-113 of the PUA. Section 16-103(c) provides in relevant part that:

. . . Upon declaration of the provision of electric power and energy as competitive, the electric utility shall continue to offer to such customers, as a tariffed service, bundled service options at rates which reflect recovery of all cost components for providing the service. For those components of the service which have been declared competitive, cost shall be the market based prices

220 ILCS 5/16-103(c) (emphasis added). There is no language in the PUA that authorizes market-based rates for customers who do not have access to electric service that has been declared competitive. At present, none of Ameren’s residential, commercial or industrial customers have access to service that has been declared competitive. Therefore, for these reasons, and for the reasons set forth in more detail in the People of the State of Illinois’ Brief on Exceptions in these cases, which ELPC incorporates by reference, the Commission does not have the legal authority to approve the tariffs.

The Commission Should Not Have Considered Post-2006 Initiative Material

ELPC objects to the Commission’s use of reports and other materials from the post-2006 Initiative process in the Order. ELPC and other parties previously have objected to the use of material from the Post-2006 Initiative process on the grounds that at the inception of the process, the Commission stated that no discussions from the workshops would be used in subsequent litigation. Stakeholders, including ELPC, participated in the process in reliance upon these representations. Thus, “consensus” as

represented by Ameren or in the various reports of the convenors was dependent upon the presence of various stakeholders and was not understood to bind any participant or nonparticipant.

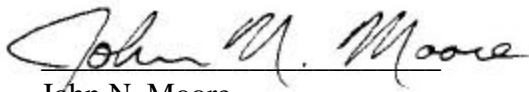
Any use by the Commission or other parties in this proceeding to refer to the Post-2006 Initiative workshop process to create the appearance of momentum and consensus violates the Commission's promise to the participants to shield workshop discussions from use in subsequent litigation, and manipulates the workshop process to the advantage of one party. Unless parties can freely negotiate and argue their respective positions, without fear of being bound in subsequent litigation, the Commission's workshop process will cease to be useful as an informal tool to generate discussion, identify issues, and explore options. Thus, for these reasons and as explained in more detail in the People of the State of Illinois' Brief on Exceptions in this proceeding, which ELPC incorporates by reference, the Commission should reject the efforts of some parties, including Ameren, to bring the workshop process into this proceeding.

CONCLUSION

WHEREFORE, for the foregoing reasons, ELPC respectfully requests that the Commission grant rehearing in this matter.

Respectfully submitted,

ENVIRONMENTAL LAW & POLICY
CENTER

A handwritten signature in dark ink, appearing to read "John N. Moore". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

John N. Moore
One of the Attorneys for the
Environmental Law and Policy Center

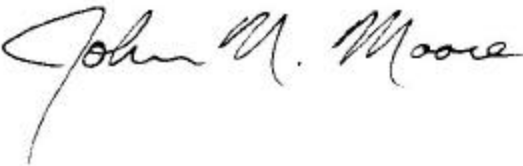
Dated: February 21, 2006

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NOTICE OF FILING

PLEASE TAKE NOTICE that on this date, February 21, 2006, I caused to be filed with the Chief Clerk of the Illinois Commerce Commission via e-docket the enclosed Application for Rehearing.

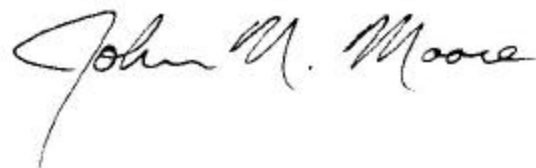


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CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE that on this date, February 21, 2006, I, John Moore, hereby certify that I did electronically file with the Illinois Commerce Commission the foregoing Application for Rehearing and electronically served the same upon the persons identified on the attached service list.



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